

CALIFORNIA STATE PERSONNEL BOARD MEETING
Carmel Valley Lodge
Conference Center
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TWO-DAY BOARD MEETING - SEPTEMBER 6-7, 2001

FULL BOARD MEETING MINUTES

SEPTEMBER 6, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Richard Carpenter, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The Court of Appeals has issued a decision in the Ward Connerly v. State Personnel Board et al upholding the collection of data and inclusive outreach programs but concluding that goals and timetables violate the law. The decision is not final and may be appealed.
- B. State and Consumer Service Agency has advised the Board that the current year general fund budget reduction amounts to 3%.

- C. The Governor's Office has asked each state agency to appoint an ethic officer. Elise Rose has been designated the ethics officer for the Board.
- D. Board staff has initiated the legislatively mandated audit of the Board of Prison Terms. We anticipate the draft report will be completed by the end of the calendar year.
- E. Cafe de California has presented Laura Aguilera, the Board's Assistant Executive Officer, with their Lifetime Leadership Award.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on the following:

- A. Connerly v. State Personnel Board -- Third District Court of Appeal upheld SPB's ability to gather and report data as to the representation of minorities and women in the state workforce as well as the state's ability to conduct "inclusive outreach." The Court invalidated, however, those statutory provisions that provide for the setting of goals and timetables based on an underutilization of minorities and women in the state workforce as violative of both the equal protection clause of the Fourteenth Amendment of the United States Constitution and California's Proposition 209. The Court also invalidated the other statutory schemes under consideration, preserving most of the data gathering provisions.
- B. Professional Engineers in California Government v. SPB- PECG has filed a petition for review with the California Supreme Court.
- C. IUOE v. State of California (State Personnel Board) - (PERB Complaint)-- The parties attended an informal settlement conference before the Public Employment Relations Board on 8/29/01. A further conference has been set for late September.
- D. State Personnel Board v. Department of Personnel Administration /IUOE - Superior Court has denied the Motion in Limine filed by IUOE and took their Motion for Stay under submission. Trial is scheduled for September 21, 2001.
- E. Caunin v. State Personnel Board- Superior Court denied motion for reconsideration.

- F. Billie Jo Smith v. SPB/SCIF and DDS-- Sacramento Superior Court upheld the Board's factual findings and the majority of the legal conclusions, but will remand for further findings on the issue of progressive discipline.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. Friday September 14th is the last day of the legislative session, interim study recess begins at the close of this day's session. October 14th is the last day for the Governor to sign or veto bills passed by the legislature. The Legislature reconvenes January 7, 2002.

Status of Legislation:

- B. AB 619 (Wayne) would require employees appointed to the scientific classifications to have a four-year degree in a scientific discipline. Bill is on the inactive file in the Senate; the Board has scheduled a November hearing on this issue.
- C. AB 647 (Horton) would permit community college employees and applicants for community college to file whistle blower retaliation complaints with the SPB, the bill was amended to make it a reimbursable program, the Board is now in support of the legislation.
- D. SB 1045 (Polanco) would define recruitment outreach is a two year bill.
- E. SB 1161 (Polanco) would implement several of the recommendations from the diversity task force "Report to the Governor on Outreach Options" was amended, is currently on the Assembly suspense file.

5. ORAL ARGUMENT

Oral argument in the matter of **DAVID GONZALES, CASE NO. 00-1377E**. Appeal from discrimination complaint. Department of Corrections.

Persons Participating:

ACTION: Ordering discovery and remanding for further hearing.

6. ORAL ARGUMENT

Oral argument in the matter of **PAUL RODRIQUEZ, CASE NO. 00-1580**. Appeal from demotion. Department of Corrections.

Persons Participating:

Ina Arnold, Senior Hearing Representative, representing appellant

Gregory L. Nicholas, Staff Counsel, Legal Department, representing Department of Corrections

ACTION: Submitted

BOARD ACTIONS

7. STATE PERSONNEL BOARD SUMMARY MINUTES OF AUGUST 7, 2001

ACTION: Adopted on September 6, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

8. ACTION ON SUBMITTED ITEMS

ACTION: See pages 19-20

9. ADMINISTRATIVE LAW JUDGE CASES

On September 6, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

PROPOSED DECISIONS

RAUL De La TORRE, CASE NO. 01-1368

Appeal from suspension for 20 workdays

Disability Program Representative

Employment Development Department

ACTION: 20 workdays suspension revoked

ZENAIDA De LEON, CASE NO. 01-1095

Appeal from two-step reduction in salary for 12 months

Registered Nurse

Department of Mental Health

ACTION: Two-step reduction in salary for 12 months revoked

REYNALDO R. GASTELUM, CASE NO. 00-1120

Appeal from demotion
Correctional Sergeant to the position
of Correctional Officer
Centinela State Prison
Department of Corrections

ACTION: Demotion of Correctional Sergeant modified to the
position of Correctional Officer for 10 workdays

MARTIN GREENHALGH, CASE NO. 01-1055

Appeal from five-percent reduction
in salary for 12 months
Correctional Officer
North Kern State Prison
Department of Corrections

ACTION: Five-percent reduction in salary for 12 months
modified to an official reprimand

RENE HINOJOSA, CASE NO. 01-0958

Appeal from five-percent reduction
in salary for six months
Stationary Engineer
North Kern State Prison
Department of Corrections

ACTION: Five-percent reduction in salary for six months
revoked

MICHAEL MacKENZIE, CASE NO. 00-1817

Appeal from demotion
Supervisor, (Correctional Education Programs),
to the position of Academic Teacher (Elementary
Multiple Subjects)
Susanville, Correctional Center
Department of Corrections

ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

TIMOTHY PARSONS, CASE NO. 01-1606

Appeal from rejection during
probationary period
Forestry Assistant II
Department of Forestry and Fire Protection

ACTION: Appeal denied and rejection during probationary
period affirmed

JOHN K. PAYNE, CASE NO. 01-1443

Appeal from dismissal
Correctional Officer

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San Diego, Correctional Facility
Department of Corrections
ACTION: Dismissal modified to a 60 workdays suspension
JACOB L. POPE, CASE NO. 01-1034
Appeal from suspension for 60 calendar days
Correctional Officer
Imperial State Prison
Department of Corrections
ACTION: Sustained 60 calendar days suspension

LESLEY G. SAFFORD, CASE NO. 00-1042
Appeal from demotion
Chief Engineer I to Stationary Engineer
Calipatria State Prison
Department of Corrections
ACTION: Permanent demotion of Chief Engineer I to
Stationary Engineer modified to a temporary demotion for 15
months

RONALD E. DAVIS, CASE NO. 00-3125
Appeal from dismissal
Fish and Wildlife Technician
Department of Fish and Game
ACTION: Board modified the penalty to a six month
suspension

ALLEN DORAN, M.D., CASE NO. 00-3839
Appeal from five-percent reduction
in salary for six months
Staff Psychiatrist
Pelican Bay State Prison
Department of Corrections
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

JOSEPH P. JUAREZ, CASE NO. 00-0264
Appeal from dismissal
Park Management Supervisor
Department of Parks and Recreation
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

MICHAEL KARR, CASE NO. 00-3985
Appeal from rejection during probationary period
Office Technician (Typing)
Environmental Protection Agency
ACTION: Appeal denied and rejection during probationary
period affirmed

HUNG V. NGUYEN, CASE NO. 01-0996
Appeal from 30 working days suspension

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Associate Management Auditor
Office of the State Controller

ACTION: 30 working days suspension sustained

KIMBERLY S. ARNOLD, CASE NO. 00-3959

Appeal from dismissal

Correctional Officer

San Quentin State Prison

Department of Corrections

ACTION: Dismissal sustained

ERIC GRAHAM, CASE NO. 01-0792

Appeal from 20 working days suspension

Officer

Department of California Highway Patrol

ACTION: 20 working days suspension modified to a 10 working days suspension

DAVE DITTMAN, CASE NO. 01-0976

Appeal from one-step reduction

in salary for six months

Correctional Officer

Department of Corrections

ACTION: One-step reduction in salary for six months sustained

FRICADU HUWARSHEK, CASE NO. 01-1369

Appeal from 30 working days suspension

Motor Vehicle Field Representative

Department of Motor Vehicles

ACTION: Board adopted the proposed decision but reduced the penalty to a 15 working day suspension

PAMELA POWELL, CASE NO. 01-1526

Appeal from rejection during

probationary period

Program Technician

Department of Health Services

ACTION: Sustaining the rejection on probation

THERESA WELSH, CASE NO. 01-1926

Appeal from formal reprimand

Assistant Coordinator of Nursing Services

Department of Developmental Services

ACTION: Formal reprimand revoked

NICK A. MEDRANO, CASE NO. 00-2982

Appeal from dismissal

Correctional Officer

San Luis Obispo, Men's Colony

Department of Corrections

ACTION: Dismissal sustained

PETITIONS FOR REHEARING

REGINALD C. SMITH, CASE NO. 00-3726

Appeal from Dismissal

Correctional Officer

Donavan Correctional Facility

Department of Corrections

ACTION: Petition for rehearing filed by Respondent denied

JOHN FLORES, CASE NO. 99-3499

Appeal from Dismissal

Hospital Peace Officer

Metropolitan State Hospital

Department of Mental Health

ACTION: Petition for rehearing filed by Respondent denied

ANTONIO LOPEZ, CASE NO. 00-1841

Appeal from Dismissal

Assistant Information Systems Analyst

Teale Data Center

ACTION: Petition for rehearing filed by Respondent granted

STEPHEN J. SURTSHIN, CASE NO's. 00-1724 and 00-3176

Appeal from Two-step Reduction in Salary for Six Months

and Appeal from Dismissal

Staff psychiatrist

Department of Mental Health

ACTION: Petition for rehearing filed by Appellant granted

BOBBY WANG, CASE NO. 00-3642

Appeal from Official Reprimand

Motor Vehicle Field Representative

Department of Motor Vehicles

ACTION: Petition for rehearing filed by Appellant denied

ROSELLEN M. BOOG, CASE NO. 00-0349

Appeal from Rejection during Probation

Administrative Support Assistant I

California State University - Northridge

ACTION: Petition for rehearing filed by Respondent denied

DEREK FINKS, CASE NO. 01-1033

Appeal from Demotion

Senior Youth Correctional Counselor

Department of the Youth Authority

ACTION: Petition for rehearing filed by Respondent denied

ANNA VARELA, CASE NO. 00-3543
Appeal from Five Percent Reduction in Salary for Six Months
Registered Nurse
Department of Developmental Services
ACTION: Petition for rehearing filed by Appellant denied

VICTOR V. FINK, Jr., CASE NO. 00-2363
Appeal from Constructive Medical Termination
Officer, California Highway Patrol
Department of California Highway Patrol
ACTION: Petition for rehearing filed by Appellant granted

D.KIRK SANDEEN, CASE NO. 00-3024
Appeal from Constructive Medical Termination
Janitor
Department of California Highway Patrol
ACTION: Petition for rehearing filed by Appellant granted,
but remanded to another Administrative Law Judge

RENA ORTEGA, CASE NO. 00-1612
Appeal from discrimination/retaliation complaint
Office Technician
Department of Justice
ACTION: Petition for rehearing filed by Appellant denied

10. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 21-23

11. WITHHOLD APPEALS
On September 6, 2001, the Board adopted the following
decisions presented by Walter Vaughn, Executive Officer,
California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

FRANCINE BOCKMON-ORTIZ, CASE NO. 00-3503
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

DONALD MAICH, CASE NO. 00-1683
Classification: Hospital Peace Officer I
State Personnel Board

ACTION: DENIED

VINCENT RAMIREZ, CASE NO. 00-3270
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

VINCE E. MYERS, CASE NO. 00-3580
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

PATRICIA LARSEN, CASE NO. 01-0529
Classification: Office Assistant (G)
California Highway Patrol
ACTION: GRANTED

JAMES KRUCK, CASE NO. 00-2941
Classification: Automotive Technician
California Highway Patrol
ACTION: GRANTED

MINDY LOVEL, CASE NO. 01-0348
Classification: CT Highway Maint Worker
Department of Transportation
ACTION: GRANTED

JOSEPH MOORE, CASE NO. 00-3002
Classification: CT Highway Maint Worker
Department of Transportation
ACTION: GRANTED

PHILIP BENSON, CASE NO. 01-0352
Classification: Janitor
Department of Motor Vehicles
ACTION: GRANTED

DENETRAL BOONE, CASE NO. 00-4228
Classification: Janitor
Department of Motor Vehicles
ACTION: GRANTED

BILLY FOY, CASE NO. 01-0556
Classification: Janitor
Department of Motor Vehicles
ACTION: GRANTED

PATRICIA GERMANY, CASE NO. 00-3831

Classification: Janitor
Department of Motor Vehicles
ACTION: GRANTED

REGINALD MINTERS, CASE NO. 00-4178
Classification: Janitor
Department of Motor Vehicles
ACTION: GRANTED

REGINALD MINTERS, CASE NO. 01-0350
Classification: Janitor
Department of Motor Vehicles
ACTION: GRANTED

AZZAAM AMEEN, CASE NO. 00-4235
Classification: Janitor
Department of Motor Vehicles
ACTION: GRANTED

CARA HOWARTH, CASE NO. 00-4113
Classification: Office Assistant (G)
Department of Developmental Services
ACTION: GRANTED

SAMANTHA MCNEELY, CASE NO. 00-3854
Classification: Motor Vehicle Field Rep
Department of Motor Vehicle Field Rep
ACTION: GRANTED

PHILIP GALER, CASE NO. 00-4114
Classification: Cadet, CHP
California Highway Patrol
ACTION: GRANTED

JOEL EDDINGS, CASE NO. 01-0283
Classification: Cadet, CHP
California Highway Patrol
ACTION: WITHDRAWN

SALVADOR ESTRADA, CASE NO. 00-4171
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN

LAWRENCE MCMILLAN, CASE NO. 01-0827
Classification: Medical Technical Asst, CF
Department of Corrections
ACTION: DENIED

BRENDA BIRD, CASE NO. 01-0831
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CHARLES HUM, CASE NO. 01-0877
Classification: Medical Technical Asst, CF
Department of Corrections
ACTION: DENIED

CHARLES SATCHER, CASE NO. 01-1295
Classification: Parole Agent I, Adult Parole
Department of Corrections
ACTION: DENIED

LEBORN C. JENT, CASE NO. 00-4172
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MARVIN L. PIERCE, CASE NO. 00-4180
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ANTONIO HERNANDEZ, CASE NO. 01-0888
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

BRANDON BELFLOWER, CASE NO. 01-0077
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

BRENT RAY BRYAN, CASE NO. 01-0822
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ROBERT GRAYS, CASE NO. 01-0830
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DOAN TRANG DOAN, CASE NO. 01-0075
Classification: Correctional Officer/
Medical Technical Assistant
Department of Corrections

ACTION: DENIED

LEO GAYLES, CASE NO. 01-0313
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED

TREVOR GREEN, CASE NO. 01-1288
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JASON GROVES, CASE NO. 00-3613
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

ELLIOTT RICHARDSON, CASE NO. 00-3857
Classification: Cadet, CHP
California Highway Patrol
ACTION: DISMISSED

THOMAS C. MORRISON, CASE NO. 00-3606
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

ANABEL ARREOLA, CASE NO. 01-0816
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

JOEL A. WHITTED, CASE NO. 00-3669
Classification: Cadet, CHP
California Highway Patrol
ACTION: DISMISSED

KEVIN S. PEARCE, CASE NO. 00-4062
Classification: Cadet, CHP
California Highway Patrol
ACTION: DISMISSED

12. MEDICAL APPEALS

On September 6, 2001, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

RICARDO BAUTISTA, JR., CASE NO. 01-0409

Classification: Investigator I, ABC
Alcohol Beverage Control
ACTION: denied

DANIEL PADILLA, CASE NO. 01-2108
Classification: Parole Agent I, Adult Parole
Department of Corrections
ACTION: DISMISSED

13. EXAMINATION APPEALS - NONE

MERIT ISSUE COMPLAINTS

On September 6, 2001, the Board adopted the following
decisions presented by Walter Vaughn, Executive Officer,
California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

(Merit Issue Complaints)

MARTHA PINTO, CASE NO. 00-3396
Classification: Office Assistant (T)
Water Resources Control Board
ACTION: DENIED

RONALD E. BELL, CASE NO. 00-3847
Classification: Office Services Sup I
Department of Health Services
ACTION: DENIED

14. RULE 212 OUT-OF-CLASS APPEALS- NONE

VOIDED APPOINTMENT APPEALS - NONE

RULE 211 APPEALS

On September 6, 2001, the Board adopted the following
decisions presented by Walter Vaughn, Executive Officer,
California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

(Rule 211)

LEONARD MATTHEWS, CASE NO. 01-1250
Classification: Senior Right of Way Agent
State Personnel Board
ACTION: DENIED

15. NON-HEARING CALENDAR

On September 6, 2001, the Board adopted item "A". This item
was presented by Karen Coffee, Chief, Personnel Resources and
Innovations Division, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

- A. TEACHING ASSISTANT, SCHOOL FOR THE BLIND
TEACHING ASSISTANT, SCHOOL FOR THE DEAF
The Department of Education proposes establishment of the classes of Teaching Assistant, School for the Blind and Teaching Assistant, School for the Deaf, establishment of a six-month probationary period for the proposed new classes; reallocation of incumbents to the appropriate new class; and that Footnote 24 be applied to the class of Teaching Assistant.

16. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION
- (1) DIRECTOR, OFFICE OF HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) IMPLEMENTATION
The Health and Human Services Agency proposes to allocate the above position to the CEA category. The Director, Office of HIPAA Implementation (OHI), provides statewide leadership, coordination, strategic direction, and oversight to staff of the OHI to ensure the successful implementation of the HIPAA regulations in California. The Director is responsible for developing a communications outreach plan to keep State department, the Legislature, federal agencies, counties and partners in the private sector informed about HIPAA compliance activities. The department indicates that the position is at the second organizational level and will report to the Agency Secretary and Undersecretary of the Health and Human Services Agency.
- (2) CHIEF, POLICY MANAGEMENT BRANCH, OFFICE OF HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) IMPLEMENTATION
The Health and Human Services Agency proposes to allocate the above position to the CEA category. The Chief, Policy Management Branch, is responsible for the overall HIPAA policy-making process so that HIPAA policy may be implemented uniformly statewide. The department indicates that the position is at the third organizational level and will report to the Director, Office of HIPAA Implementation.

- (3) CHIEF, OPERATIONS BRANCH, OFFICE OF HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) IMPLEMENTATION

The Health and Human Services Agency proposes to allocate the above position to the CEA category. The Chief, Operations Branch is responsible for ensuring the physical and procedural infrastructure of the Office of HIPAA, is established and implemented. The department indicates that the position is at the third organizational level and will report to the Director, Office of HIPAA Implementation.

- (4) DEPUTY DIRECTOR, DIVISION OF COMMUNITY AFFAIRS

The Department of Housing and Community Development proposes to allocate the above position to the CEA category for a 12-month limited term basis. The Deputy Director of the Division of Community Affairs, provides leadership in the development and implementation of policies that increase housing affordability, support a vibrant economy, and promote a safer and health living environment for target groups within the State. The department indicates that the position is at the second organizational level and will report to the Director.

- (5) PLANNING MANAGER, DIVISION OF PLANNING AND LOCAL ASSISTANCE

The Department of Water Resources proposes to allocate the above position to the CEA category. The Planning Manager is responsible for planning, organizing, and directing the programs and activities of the Division's headquarters programs in accordance with applicable laws and regulations, the Governor's Water Policy and the Department's Strategic Business Plan. The department indicates that the position is at the second organizational level and will report to the Chief, Division of Planning and Local Assistance.

- (6) ASSISTANT CHIEF DEPUTY DIRECTOR

The Department of Alcoholic Beverage Control proposes to allocate the above position to the CEA category. The Assistant Chief Deputy Director position has overall responsibility for day-to-day operations of the department in accomplishing its mission to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare, and well being of the people of the State. The

department indicates that the position is at the first organizational level and will report to the Director.

(7) PROJECT MANAGER, INTEGRATED CONTINUOUS BUDGET SYSTEM

The Department of Finance proposes to allocate the above position to the CEA category. This position acts as the Chief over the Department's Integrated Continuous Budget System Project. This position is responsible for the study, design, approval and

implementation associated with the creation of a new automated budget system. The department indicates that the position is at the third organizational level and will report to the Assistant Director, Operations.

(8) EMERGENCY PREPAREDNESS MANAGER

The Department of General Services proposes to allocate the above position to the CEA category. The Department of General Services Emergency Preparedness Manager is responsible for organizing, planning, directing, implementing and evaluating the statewide activities of the Department of General Services related to emergency preparedness and response during an emergency. The department indicates that the position is at the third organizational level and will report to the Deputy Director, Management Services Division.

(9) DEPUTY EXECUTIVE DIRECTOR

The State Treasurer's Office, California Tax Credit Allocation Committee, proposes to allocate the above position to the CEA category. The Deputy Executive Director manages all of the on-going special functions of the California Tax Credit Allocation Committee and carries out a critical function in the provision of affordable rental housing throughout California. The department indicates that the position is at the second organizational level and will report to the Executive Director.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) ASSISTANT EXECUTIVE OFFICER, COLORADO RIVER BASIN
REGIONAL WATER QUALITY CONTROL BOARD
The State Water Resources Control Board's request
to allocate the above position to the CEA category
has been approved effective July 27, 2001.
- (2) DEPUTY DIRECTOR
The Department of Personnel Administration's
request to allocate the above position to the CEA
category has been approved effective August 2,
2001.
- (3) SEXUALLY VIOLENT PREDATOR SECURE TREATMENT
FACILITY COALINGA
The Department of Mental Health's request to
allocate the above position to the CEA category
has been approved effective August 10, 2001.
- (4) DEPUTY DIRECTOR, CHILD SUPPORT SERVICES DIVISION
The Department of Child Support Services request
to allocate the above position to the CEA category
has been approved effective August 10, 2001.
- (5) CHIEF, HUMAN RESOURCES
The Department of Health Services request to
allocate the above position to the CEA category
has been disapproved August 13, 2001.
- (6) CHIEF, OFFICE OF PRIVACY PROTECTION
The Department of Consumer Affairs request to
allocate the above position to the CEA category
has been approved for a period of 24 months
effective August 15, 2001.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN
6/30/95 AND 1/1/99

NONE PRESENTED

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND
1/1/99

NONE PRESENTED

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. LIEM C. VU, CASE NO. 00-1743. Appeal from dismissal. Department of Veterans Affairs. (Oral argument held June 5, 2001).

ACTION: On September 7, 2001, adopted Board decision modifying dismissal to a 20 working day suspension and ordering backpay and benefits.

VOTE: Elkins, Carpenter, Harrigan - Aye.

Members Alvarado and Bos dissented

2. MICHAEL STATON, CASE NO. 99-3155. Appeal from discrimination complaint. Department of Justice (Oral argument held June 5, 2001).

ACTION: On September 7, 2001, adopted Board decision dismissing the discrimination appeal, and granting the merit issue appeal decision.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

3. EVERETT DREW, CASE NO. 00-1480. Appeal from dismissal. Department of Corrections. (Oral argument held July 10, 2001).

ACTION: On September 7, 2001, adopted Board decision modifying the dismissal to a suspension for 12 months and ordering backpay and benefits.

VOTE: Alvarado, Elkins, Carpenter, Harrigan - Aye.

Member Bos - Dissented.

4. MITCHELL BLAIR, CASE NO. 99-0242. Appeal from dismissal. Department of the Youth Authority. (Oral argument held July 10, 2001).

ACTION: On September 7, 2001, adopted Board decision revoking the dismissal and ordering backpay and benefits.

VOTE: Elkins, Carpenter, Harrigan - Aye Alvarado did not participate and Bos - Dissented.

5. CHRISTINE SALAZAR, CASE NO. 99-5136. Appeal from reasonable accommodation. Employment Development Department. (Oral argument held July 10, 2001).

ACTION: On September 7, 2001, adopted Board decision granting reasonable accommodation and ordering appellant's reinstatement with backpay and benefits.

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VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

6. CASSANDRA CLADDY, CASE NO. 00-3080. Appeal from five percent reduction in salary for five months. Employment Development Department. (Oral argument held July 10, 2001).

ACTION: On September 7, 2001, adopted Board decision sustaining the 5% reduction in salary for five months.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

7. RICHARD C. TOBY, CASE NO. 00-1572P. Appeal from dismissal. Department of Developmental Services. (Oral argument held July 10, 2001).

NO ACTION

8. ROBERT EDWARDS, CASE NO. 00-3080. Appeal from discrimination complaint. Department of Corrections. (Oral argument held August 7, 2001).

NO ACTION

9. DON T. CIMARUSTI, CASE NO. 99-1898, LARRY A. COON, CASE NO. 99-2019 AND JOHN M. SAFFOLD, CASE NO. 99-2014. Appeals from dismissal. Department of the Youth Authority. (Oral argument held August 7, 2001).

ACTION: On September 7, 2001, adopted Board decision revoking dismissals and ordering reinstatement with backpay and benefits.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

10. JENNIFER KILL, CASE NO. 00-2664P. Appeal from dismissal. Department of Corrections. (Oral argument held August 7, 2001).

ACTION: On September 7, 2001, adopted Board decision revoking dismissal and ordering reinstatement with backpay and benefits.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

11. CSEA resolutions to the Board concerning restoring centralized testing and ending discrimination, retaliation and harassment in State Service. (Hearing held August 7, 2001).

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board

for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on September 6, 2001.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

CORRECTION

The Summary Minutes of August 7, 2001, should have shown CSEA/SEIU Local 1000 under item #9.

CALIFORNIA STATE PERSONNEL BOARD MEETING
Carmel Valley Lodge
Conference Center
Carmel Valley Road at Ford Road
P.O. Box 93
Carmel Valley, California 93924-0093
(831) 659-2261 - FAX (831) 659-4558

CONCURRENT BOARD MEETING MINUTES

SEPTEMBER 7, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Richard Carpenter, Member
Sean Harrigan, Member

2. PLANNING SESSION

- A. PENDING LITIGATION
- B. RECOMMENDATIONS TO THE LEGISLATURE
- C. RECOMMENDATIONS TO THE GOVERNOR

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

3. PLANNING SESSION (continued)

- A. PENDING LITIGATION
- B. RECOMMENDATIONS TO THE LEGISLATURE

ACTION: Planning Session held

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September 7, 2001

A D J O U R N M E N T